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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,313	07/08/2003	Kevin Wayne Gauna	IB-1805	1871
8076	7590	06/29/2004	EXAMINER	
LAWRENCE BERKELEY NATIONAL LABORATORY ONE CYCLOTRON ROAD, MAIL STOP 90B UNIVERSITY OF CALIFORNIA BERKELEY, CA 94720			TRAN, THUY V	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant(s) 10/616,313	Applicant(s) GAUNA, KEVIN WAYNE	
	Examiner Thuy V. Tran	Art Unit 2821	<i>Am</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 08 July 2003.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-7, 13 and 14 is/are rejected.

7) ☒ Claim(s) 8-12 and 15-17 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This is a response to the Applicant's filing on July 8th, 2003. In virtue of this filing, claims 1-17 are currently presented in the instant application.

Drawings Objections

1. The drawings are objected to because the drawing lines and reference numerals/characters in Fig. 7 are not uniform and legible, respectively. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections/ Minor Informalities

2. Claims 1, 7, and 9 are objected to because of the following informalities:

Claim 1, line 4, "the" should be changed to --a--;

Claim 1, line 6, --the-- should be inserted between "and" (first occurrence) and "motion";

Claim 1, line 7, --the-- should be inserted between “and” and “incandescent”; and --the-- should be inserted after “when”;

Claim 1, line 8, --the-- should be inserted between “when” and “motion”;

Claim 7, line 2, “the” (second occurrence) should be changed to --an--; and

Claim 9, line 2, --the-- should be inserted between “and” and “incandescent”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-7, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Keeter (U.S. Patent No. 5,867,099).

With respect to claim 1, Keeter discloses, in Figs. 1-4, a dual LED and incandescent security lighting system comprising (1) an ambient LED illuminator [30], (2) an incandescent lamp [14] positioned in proximity to the LED illuminator, (3) a darkness sensor [22] (see Fig. 2) for detecting an occurrence of darkness, (4) a motion sensor [32] (see Fig. 3) for detecting motion around the lighting system, and (5) a control system (which is the internal electrical circuit included in the system [10]; see col. 4, lines 54-55) connected to the darkness sensor [22] and the motion sensor [32] and to the LED illuminator [30] and the incandescent lamp [14] for turning on the LED illuminator [30] when the darkness is detected and for then turning on the incandescent lamp [14] when the motion is detected (see col. 4, lines 54-62).

With respect to claim 4, Figs. 1-2 of Keeter show that the lighting system further comprises a single fixture [10] containing both the LED illuminator [30] and the incandescent lamp [14].

With respect to claim 5, Figs. 1-2 of Keeter show that the lighting system further comprises a pair of fixtures, one (which is [16]; see Fig. 1) containing the LED illuminator [30] and the other (which is [12]; see Fig. 1) containing the incandescent lamp [14].

With respect to claim 6, Fig. 1 of Keeter shows that the incandescent lamp fixture plugs into the LED fixture.

With respect to claim 7, Fig. 1 of Keeter shows that the fixture comprises a substantially flat top with the LED illuminator [30] mounted to an underside of the top and the incandescent lamp [14] mounted in a substantially horizontal orientation below the top, and the LED illuminator [30] being positioned above the incandescent lamp [14].

With respect to claim 13, Keeter inherently discloses that the control system includes a timer for keeping the incandescent lamp [14] on for a selectable preset period of time (which is a predetermined time; see col. 4, line 60).

With respect to claim 14, Keeter inherently discloses that the control system turns the LED illuminator [30] off when the incandescent lamp is on (since the LED illuminator is an indicator).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keeter (U.S. Patent No. 5,867,099).

With respect to claims 2 and 3, Keeter discloses all of the claimed subject matter, as expressly recited in claim 1, except that the LED illuminator comprises an array of LEDs of amber or yellow. However, this difference is not of patentable merit since, in term of current required for the LEDs, the operation of the system is not electrically affected by the arrangement of one or more LEDs in series as an array and by the color of the LEDs. Therefore, to configure the LED illuminator of Keeter with an array of amber or yellow LEDs to enhance indicator light production and/or to facilitate the distinguishability of different alert indications depending on a particular application and/or environment of use would have been deemed obvious to a person skilled in the art of electric lamp.

Allowable Subject Matter

7. Claims 8-12 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to disclose or fairly suggest:

- A dual lighting system wherein the fixture further comprises a diffuser or lens extending down from the top and enclosing or surrounding the LED illuminator and the incandescent lamp, in combination with the remaining claimed limitations as called for in claim 8;

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- A dual lighting system wherein the fixture comprises a base to which the LED illuminator and the incandescent lamp are mounted in a vertical downward position, with the LED illuminator around the lamp, and a diffuser or lens extending down from the base and enclosing or surrounding the LED illuminator and the lamp, in combination with the remaining claimed limitations as called for in claim 9;
- A dual lighting system further comprising a lamp base that screws into a standard electrical light socket, the LED illuminator being mounted in the base, and a lamp socket formed in the base for receiving the incandescent lamp, in combination with the remaining claimed limitations as called for in claim 10 (claim 11 would be allowable since it is dependent on claim 10);
- A dual lighting system further comprising an adjustable drop arm extending down from the control box, and an LED drop unit containing the LED illuminator and the motion sensor connected to the adjustable drop arm and through the drop arm to the control box, in combination with the remaining claimed limitations as called for in claim 12; and
- A dual lighting system wherein the control system comprises (1) a first on/off switch connected between the darkness sensor and the LED illuminator, an AND gate having inputs connected to the darkness sensor and the motion sensor, and a second on/off switch connected between the AND gate and the incandescent lamp, in combination with the remaining claimed limitations as called for in claim 15 (claims 16-17 would be allowable since they are dependent on claim 15).

Citation of relevant prior art

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Ferraro (U.S. Patent No. 6,741,176) discloses a flood light lamp for security lights.

Prior art Ferraro (U.S. Patent No. 6,320,506) discloses a flood light lamp for security lights.

Prior art Batko (U.S. Patent No. 6,151,529) discloses a motion sensing system with timing for controlling lighting fixtures.

Prior art Hamm et al. (U.S. Patent No. 6,121,875) discloses a monitoring and alerting system for buildings.

Prior art Ferraro (U.S. Patent No. 6,078,257) discloses a flood light lamp for security lights.

Prior art Eckel et al. (U.S. Patent No. 5,946,209) discloses a motion sensing system with timing for controlling lighting fixtures.

Prior art Ferraro (U.S. Patent No. 5,818,338) discloses a flood light lamp for security lights.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thuy V. Tran
Examiner
Art Unit 2821



T.T.
06/25/2004